

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 L-03 JUSE-00 PM-04 NSC-05 SP-02

SS-15 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 54

C O N F I D E N T I A L MANILA 7780

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: NEW SUPREME COURT APPOINTMENTS

REF: MANILA 7672

1. DURING SPEECH AT INTEGRATED BAR ASSOCIATION CONFERENCE  
IN MANILA MORNING MAY 20, PRESIDENT MARCOS ANNOUNCED HE HAD  
NAMED TO SUPREME COURT:

- A. JUSTICE SECRETARY VICENTE ABAD SANTOS
- B. AFP JUDGE ADVOCATE (AND COURT OF APPEALS JUSTICE)  
GUILLERMO SANTOS
- C. APPEALS COURT PRESIDING JUSTICE RAMON FERNANDEZ
- D. GOVERNOR OF LAUNION JUVENAL GUERRERO

PRESIDENT SAID HE WOULD FILL FIFTH VACANCY ON THE COURT  
SOON.

2. SENIOR ASSOCIATE JUSTICE FERNANDO TOLD POLCOUNS MAY 19  
COURT HAD SUGGESTED TO MARCOS THAT HE NOMINATE FORMER VP  
EMMANUEL PELAEZ AND ATTORNEY JOSE AFRICA, BUT BOTH DECLINED.

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MUCH TO PELAEZ' DISCOMFORT, MARCOS MADE REFERENCE TO THIS  
IN TODAY'S SPEECH WHEN HE SAID FORMER VP WOULD "RATHER  
RANCH THAN WRITE DECISIONS."

3. COMMENT: ADDITION OF FOUR NEW MEMBERS TO COURT  
SHOULD DECREASE JUSTICES' WORK LOAD AND ATTENUATE TENSION  
WHICH LED TO RECENT UNPRECEDENTED PUBLIC FRICTION BETWEEN

CHIEF JUSTICE AND JUSTICE MAKASIR (SEE REFTEL). FROM  
STANDPOINT OF US INTEREST, JUSTICE SECRETARY'S ELEVATION  
TO COURT IS MOST IMPORTANT. RECENTLY ABAD SANTOS, A  
TESTY SORT, HAS BEEN THORN IN OUR SIDE ON OFFICIAL DUTY  
DETERMINATIONS. HE HAS NOT BEEN ESPECIALLY HELPFUL  
ON LOS MATTERS EITHER. MARCOS DID NOT ANNOUNCE WHO WOULD  
SUCCEED HIM, ALTHOUGH SOLICITOR GENERAL MENDOZA IS LIKELY  
CANDIDATE. MARCOS WOULD SORELY MISS MENDOZA'S ARGUMENTATIVE  
TALENTS IN SUPREME COURT, HOWEVER, ESPECIALLY SHOULD  
SIGNIFICANT MARTIAL LAW OR DETAINEE CASES ARISE. JUSTICE  
GUILLERMO SANTOS IS BELIEVED TO BE MARCOS LOYALIST WHICH  
WHY HE APPOINTED JUDGE ADVOCATE. GENERAL GUERRERO IS ALSO  
CLOSE TO MARCOS AND HAS BEEN MENTIONED ON PREVIOUS OCCASIONS  
IN CONNECTION WITH A CABINET POST. WE KNOW LITTLE OF  
FERNANDEZ, BUT DOUBT HE WOULD HAVE BEEN APPOINTED IF MARCOS  
THOUGHT HE WOULD GIVE HIM TROUBLE. ON BALANCE, APPOINTMENTS  
ENHANCE MARCOS' ALREADY STRONG POSITION WITHIN SC. OF  
14 JUSTICES, ONLY TWO (TEEHANKEE AND MUNOZ PALMA) CAN BE  
EXPECTED TO OPPOSE HIM WHEN IT COMES TO CRUNCH ON  
IMPORTANT CONSTITUTIONAL CASES OR CASES IN WHICH PRESIDENT  
HAS PERSONAL STAKE, E.G. MAJOR DETAINEES LIKE AQUINO,  
LOPEZ/OSMENA, ETC.  
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## Message Attributes

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